

REMARKS

Reconsideration of the captioned application in view of the foregoing amendments and following Remarks is respectfully requested.

A petition to extend the time to respond to the pending Office Action by one month is enclosed.

A Notice of Appeal is being concurrently filed herewith.

The claims pending and under consideration are Claims 20-36.

Claims 22 and 28-20 are rejected under 35 USC § 112, second paragraph, as allegedly indefinite. It is stated that Claim 22 depends on Claim 1, which has been cancelled and Claims 28 and 30 depend on Claim 22. This rejection has been obviated by amendment of Claim 22.

Claim 22 has been amended to depend from Claim 21.

Accordingly, Applicants request that the rejection under 35 USC § 112, second paragraph be withdrawn.

Claims 20, 31, 32 and 34-36 are rejected under 35 USC § 102(b) as allegedly anticipated by Hogan et al. This rejection is obviated by amendment of Claim 20.

In the Office Action under Reply it is stated in part:

The Hogan et al. document teaches a substrate coating for the electrostatic deposition of active substances (See Page 1, lines 4-18; Page 3, Lines 3-27; and Page 5, Line 33 to Page 6, Line 11). This material, in its powder form, has a particle size of less than 50 microns (See Page 8, Lines 7-16); and in one preferred embodiment, the powdered material has a mean particle size of about 10 microns, and substantially no particles larger than 100 microns in diameter (see Page 9, Lines 29-31). Polyethylene glycol with molecular weights of 20,000 and 6,000 are used in the coating material (See Example 1, Page 31, Lines 12-13; and Example 6, Page 34, Line 26). Various types of active agents may be included in the powder coating material, including oral contraceptive agents (See Page 19, Line 17). Preferably, the coating material comprises at least 0.5% by weight of the active agent based on the weight of the powder coating material. An example is cited where a 10 mg coating on a tablet may contain approximately at least 0.05 mg of the active ingredient (See Page 19, Line 35 to Page 20, Line 3).

Applicants submit that amended Claim 20 and claims dependent thereon are not anticipated by Hogan et al.

Amended Claim 20 recites

A substrate coating for use in electrostatic dry deposition of a dry powder medicament on a negatively charged substrate wherein the coating comprises the dry powder medicament wherein the medicament is triboelectrically charged resulting in a negative charge and micronized (PEG) with molecular weight in the range of 1,000 to 20,000 and having a particle size of 1-100 μm .

Applicants respectfully submit that Hogan et al. does not teach or suggest a coating for a negatively charged substrate comprising a medicament triboelectrically charged resulting in a negative charge and PEG.

Thus, Applicants request that the rejection under 35 USC §102 be withdrawn.

Claims 20-36 are rejected under 35 USC § 103(a) as allegedly unpatentable over Hogan et al. This rejection is obviated by amendment on claim 20.

In the Office Action under Reply, it is asserted in part that

... it would be obvious to one of ordinary skill in the art that the term "oral contraceptive agents" encompasses norgestimate or ethinyl estradiol, and that one of ordinary skill would know appropriate dosage amounts for these drugs. ...

Applicants submit that although Hogan et al. mentions, among others, oral contraceptive agents as a type of active agent included in the powder coating material, Hogan et al. nowhere teaches or suggests the use of a medicament triboelectrically charged resulting in a negative charge in the claimed substrate coating for a negatively charged substrate.


Thus, Applicants submit that Hogan et al. does not teach or suggest the claimed substrate coating for a negatively charged substrate.

Accordingly, Applicants request that the rejection under 35 USC § 103(a) be withdrawn.

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Since the claims are of proper form and patentable over the cited art an allowance and notice thereof is respectfully requested.

Respectfully submitted,

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Dated: July 16, 2003